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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,752

11/06/2006

Valery Alexandrovich Kononov

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EXAMINER

MCNALLY, KERRIL

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

07/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/562,752

Applicant(s)

KONONOV ET AL.

Examiner

KERRI MCNALLY

Art Unit

2612

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 June 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 14-21 and 23-28.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Toan N Pham/
Primary Examiner, Art Unit 2612
7/17/09

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are unpersuasive. First, regarding Dungan, Applicant argues that because the gas sensors are distributed over a very large geographical area and because the patent teaches the need only to alert people downwind of the chemical plant, there is no suggestion of a need to activate alarms at all the sensor stations. In fact, doing so would needlessly alarm residents upwind of the plant who would not be affected by the gas release. This argument is unpersuasive. Applicant has not claimed activating all stations. Applicant has only claimed alarming a plurality of stations. Next, Applicant argues regarding Dungan that any need to provide a more wide range alarm broadcast could be determined by the personnel at the central control center. Therefore nothing in Dungan suggests a need for transmitting a signal directly between all the sensor modules. This argument is unpersuasive. While Dungan does not suggest a need for transmitting a signal directly between all the sensor modules, it would have been obvious to one of ordinary skill to set up the system as such, and as described in Acevedo, so that a plurality of receiver units are automatically notified of an alarm condition, thus removing the human factor from the system. By doing this, you automate the monitoring and alarm system and make the system more reliable and less expensive to run because you don't have to pay persons to sit and monitor alarm conditions. Next, regarding the Acevedo reference, Applicant argues that "it stands to reason that all the alarm units within the building should be activated to evacuate the building". This argument is unpersuasive. When an alarm condition is detected in large buildings, it is well known that the alarm condition may only be relevant for three floors - a top floor, a bottom floor, and an intervening floor. Therefore, it is not necessarily true that the entire building need evacuated all the time. Furthermore, Applicant argues that the motivating factor for transmitting an alarm signal to every smoke detector within a building does not apply to the Dungan system and in fact would needlessly alarm people in neighborhoods unaffected by the gas leak. This argument is unpersuasive for the reasons discussed above - not all areas necessarily need to be alarmed. Next, Applicant argues that broadcasting signals to multiple display devices in Dungan would eliminate the ability for supervisory personnel at the control center to properly assess the gas leak and control the responsive action. This human assessment is fundamental to the Dungan system. Examiner disagrees. It would be obvious to automate the process and remove the human factor for the reasons already discussed above. Furthermore, if one wanted, they could institute the automated process, but still employ persons to supervise the automated system for errors and provide overriding ability of the system. Regarding claim 26, Applicant argues that Kitaguchi only communicates with a central station and does not transmit a broadcast signal directly to a plurality of display modules. This limitation has already been addressed in the rejection by combining Dungan and Acevedo. Regarding claim 27, Applicant argues that Leedom, Jr. is inapplicable to Dungan and Acevedo because it teaches different networks operating at different broadcast strengths, and Dungan and Acevedo only teach a single network. This argument is unpersuasive. All of the references teach communicating over a network, and Leedom teaches that different strengths can be utilized depending on the desired broadcast area. Therefore, one of ordinary skill would consider it obvious to vary the broadcast strength depending upon how large the broadcast area is. Also, regarding claim 27, Applicant argues that Leedom, Jr.'s different networks operating at different broadcast strengths does not suggest the same sensor module transmitting at different signal strengths depending upon the type of signal being sent as in claim 27. This argument is unpersuasive. One of ordinary skill would find it obvious to vary the transmitted signal strength depending upon the desired broadcast area, as taught by Leedom Jr. Thus, while Leedom Jr. does not explicitly teach one network where one signal transmits at a lower strength and another signal that transmits at a higher strength, one of ordinary skill would find it obvious to vary the signal strength of the transmission based upon the size of the desired transmission area. Regarding claim 28, Applicant argues that Aijala is totally unrelated to sensors sending signals and thus is incompatible with the teachings of the other two references. While Aijala is not related to sensor systems, it is related to broadcasting transmissions, which is also what both the other references are doing. Thus, the reference is compatible and analogous art because it deals with broadcasting signals.